
ENGROSSED HOUSE BILL 2476

State of Washington

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2008 Regular Session

By Representatives McCoy, Simpson, Lantz, Appleton, O'Brien, Kenney, Sells, Moeller, Hudgins, Dunn, Upthegrove, and Chase

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1 AN ACT Relating to authorizing tribal police officers to act as
2 general authority Washington state peace officers; and adding a new
3 chapter to Title 10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "General authority Washington peace officer" means an officer
8 authorized to enforce the criminal and traffic laws of the state of
9 Washington generally.

10 (2) "Tribal police officer" means any person in the employ of one
11 of the federally recognized sovereign tribal governments, whose
12 traditional lands and territories lie within the borders of the state
13 of Washington, to enforce the criminal laws of that government.

14 NEW SECTION. **Sec. 2.** (1) Tribal police officers under subsection
15 (2) of this section shall be recognized and authorized to act as
16 general authority Washington peace officers. A tribal police officer
17 recognized and authorized to act as a general authority Washington
18 peace officer under this section has the same powers as any other

1 general authority Washington peace officer to enforce state laws in
2 Washington, including the power to make arrests for violations of state
3 laws.

4 (2) A tribal police officer may exercise the powers of law
5 enforcement of a general authority Washington peace officer under this
6 section, subject to the following:

7 (a) The appropriate sovereign tribal nation shall submit to the
8 office of financial management proof of public liability and property
9 damage insurance for vehicles operated by the peace officers and police
10 professional liability insurance from a company licensed to sell
11 insurance in the state.

12 (i) Within the thirty days of receipt of written proof of insurance
13 from the sovereign tribal nation, the office of financial management
14 shall either approve or reject the adequacy of insurance. The adequacy
15 of insurance under this chapter shall be subject to annual review by
16 the state office of financial management.

17 (ii) Each policy of insurance issued under this chapter must
18 include a provision that the insurance shall be available to satisfy
19 settlements or judgments arising from the tortious conduct of tribal
20 police officers when acting in the capacity of a general authority
21 Washington peace officer, and that to the extent of policy coverage the
22 sovereign tribal nation will not raise a defense of sovereign immunity
23 to preclude an action for damages, the determination of fault in a
24 civil action, or the payment of a settlement or judgment arising from
25 the tortious conduct.

26 (b) The appropriate sovereign tribal nation shall submit to the
27 office of financial management proof of training requirements for each
28 tribal police officer. To be authorized as a general authority
29 Washington peace officer, a tribal police officer must successfully
30 complete the requirements set forth under RCW 43.101.157. Any
31 applicant not meeting the requirements for certification as a tribal
32 police officer may not act as a general authority Washington peace
33 officer under this chapter. The criminal justice training commission
34 shall notify the office of financial management if:

35 (i) A tribal police officer authorized under this act as a general
36 authority Washington state peace officer has been decertified pursuant
37 to RCW 43.101.157; or

1 (ii) An appropriate sovereign tribal government is otherwise in
2 noncompliance with RCW 43.101.157.

3 (3) A copy of any citation or notice of infraction issued, or any
4 incident report taken, by a tribal police officer acting in the
5 capacity of a general authority Washington peace officer as authorized
6 by this section must be submitted within three days to the police chief
7 or sheriff within whose jurisdiction the action was taken. Any
8 citation issued under this section shall be to a Washington court,
9 except that any citation issued to Indians within the exterior
10 boundaries of an Indian reservation may be cited to a tribal court.
11 Any arrest made or citation issued not in compliance with this section
12 is not enforceable.

13 (4) Any authorization granted under this section shall not in any
14 way expand the jurisdiction of any tribal court or other tribal
15 authority.

16 (5) The authority granted under this section shall be coextensive
17 with the exterior boundaries of the reservation, except that an officer
18 commissioned under this section may act as authorized under RCW
19 10.93.070 beyond the exterior boundaries of the reservation.

20 (6) For purposes of civil liability under this chapter, a tribal
21 police officer shall not be considered an employee of the state of
22 Washington. The state of Washington and its individual employees shall
23 not be liable for the authorization of tribal police officers under
24 this chapter, nor for the negligence or other misconduct of tribal
25 officers. The authorization of tribal police officers under this
26 chapter shall not be deemed to have been a nondelegable duty of the
27 state of Washington.

28 (7) Nothing in this section impairs or affects the existing status
29 and sovereignty of those sovereign tribal governments whose traditional
30 lands and territories lie within the borders of the state of Washington
31 as established under the laws of the United States.

32 (8) Nothing in this section limits, impairs, or nullifies the
33 authority of a county sheriff to appoint duly commissioned state or
34 federally certified tribal police officers as deputy sheriffs
35 authorized to enforce the criminal and traffic laws of the state of
36 Washington.

1 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
2 new chapter in Title 10 RCW.

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